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\*ADMITTED TO N.Y. & N.J. BARS

November 14, 2008

**VIA ECF**

Honorable Peter G. Sheridan  
United States District Court Judge  
District of New Jersey  
Martin Luther King Building and Federal Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

Honorable Magistrate Esther Salas  
United States District Court Judge  
District of New Jersey  
Martin Luther King Building and Federal Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

Re: Novak And Elmagrabhy v. Home Depot USA, Inc.  
Civil Action No.: 04-cv-4100  
Novak v. Home Depot U.S.A., Inc.  
Civil Action No.: 06-cv-4841

11/18/08  
No Order  
Peter H. Schneider

Dear Judge Sheridan and Judge Salas:

I am plaintiffs' counsel in the above referenced actions. There are matters scheduled in both the cases for November 20, 2008. In action 06-cv-4841, the single state class action, there is an oral argument on plaintiff's motion for class certification scheduled. In action 04-cv-4100 there is a status conference scheduled.

I am forced to request an adjournment of both matters due to my actual engagement in a jury trial of a class action in the Southern District of New York. I am lead class trial counsel (and only class counsel) in that action. It commenced November 5 and defendants will start their case on Monday and thereafter the last day of trial is November 20, 2008. Charging conference, post-trial motions, closing statements, and deliberations will follow the close of proofs.

**SQUITIERI & FEARON, LLP**

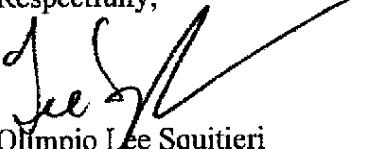
Honorable Peter G. Sheridan  
Honorable Magistrate Esther Salas  
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The parties to these actions tried to find mutually agreeable dates but were unable to do so.

Since I am the cause of disruption, I will defer to any date selected by the Court or defendants' counsel. If it is a conflicted date for me, I will ensure that my partner will be up to speed to handle the argument. (He cannot, however, do so with only a week to learn the case and prepare for motion argument on the 20<sup>th</sup>).

I apologize for the inconvenience to the Court's and opposing counsel' schedule. Thank you for your consideration of this request.

Respectfully,



Olimpio Lee Squitieri

LS:mm

**VIA E-MAIL**

cc: Patrick Brady, Esq.  
Joel Cohen, Esq.